

Section 419
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

AKIHIRO NAGATA ET AL

Ser. No.: 09/008,675

Filed: Jan. 16, 1998

) METHOD AND SYSTEM FOR
) TREATING A POWER TRANS-
) MISSION BELT/BELT SLEEVE
)
) Art Unit: Unassigned
)
) Examiner: Unassigned

TRANSMITTAL LETTER

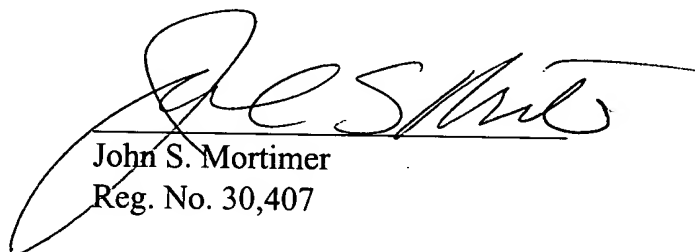
Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Enclosed is a copy of a fully executed Declaration and Power of Attorney for filing in the above application. This submission is being made in response to the Notice Under 37 CFR 1.53(d) and is in compliance with 37 CFR 1.63.

A check for \$130.00 covering the surcharge under 37 CFR 1.16(e) for filing the Declaration late is enclosed.

Respectfully submitted,


John S. Mortimer
Reg. No. 30,407

WOOD, PHILLIPS, VANSANTEN,
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April 16, 1998

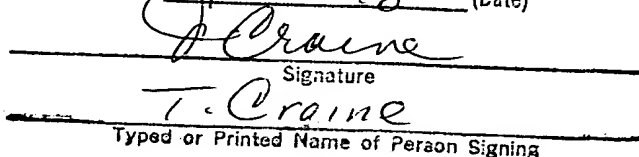
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130.00 DP

37 CFR 1.8
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231, on 4-20-98 (Date)


Signature
T. Craine
Typed or Printed Name of Person Signing

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: Method & System for Treating a Power Transmission Belt/Belt Sleeve the specification of which:

☐ is attached hereto. ☒ was filed on January 16, 1998
as Application Serial No. 09/008,675
and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above, and that I believe the named inventor(s) to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought, and hereby acknowledge the duty to disclose information which is material to the examination of the application in accordance with § 1.56 (reprinted on the back) of Title 37 of the Code of Federal Regulations.

I also hereby state that no patent applications on this invention have previously been filed in countries foreign to the United States of America, except as follows:

COUNTRY	APPLICATION NUMBER	DATE FILED (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119	
Japan	19843/1997	16/1/97	yes <u>X</u>	no _____
Japan	19844/1997	16/1/97	yes <u>X</u>	no _____
			yes _____	no _____

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status: patented, pending, abandoned)
_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status: patented, pending, abandoned)

I hereby appoint Richard S. Phillips (Reg. No. 17,314), Wm. A. VanSanten (Reg. No. 22,810), Jeffrey L. Clark (Reg. No. 29,141), John S. Mortimer (Reg. No. 30,407), F. William McLaughlin (Reg. No. 32,273), and Dean A. Monco (Reg. No. 30,091), each registered to practice before the United States Patent and Trademark Office and practicing as the firm of **WOOD, PHILLIPS, VAN SANTEN, CLARK & MORTIMER, 500 WEST MADISON STREET, SUITE 3800, CHICAGO, ILLINOIS 60661** (Telephone 312-876-1800), my attorneys with full power of substitution and revocation, to prosecute this application, to make alterations or amendments therein, to receive the patent and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to the firm. All telephone inquiries may be directed to:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under

§1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentability defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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Full name of fifth Joint Inventor, if any _____ Citizenship _____
Inventor's Signature _____ Date _____
Residence _____
Post Office Address _____

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent or inventor.